

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2002-535

October 8, 2002

BRADFORD SMALL
Appeal of Consumer Assistance Division
Decision #2002-11747 Regarding Bangor
Hydro-Electric Company

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

We uphold the Consumer Assistance Division (CAD) decision of August 29, 2002 concerning the amount of a make-up bill issued by Bangor Hydro-Electric Company (BHE) to customer Bradford Small.

II. BACKGROUND

Mr. Small contacted the CAD concerning a high bill dispute with BHE. BHE issued Mr. Small a bill for 2387 kWhs of usage in January 2002. The CAD's investigation revealed that although Mr. Small's meter was operating properly, the remote meter reading sending unit (ERT) was malfunctioning. Over the 12-month period of December 13, 2000 (when the meter with the remote sending device was installed) to December 13, 2001, the meter readings were erratic. In April the meter reading was 140 kWhs, May-153 kWhs, June-132 kWhs, July-2 kWhs, August-2 kWhs, September-4 kWhs, October-7 kWhs and November 0 kWhs. When the meter was actually read on December 13, 2001 it showed usage of 4233 kWhs over the past 12 months. The sending unit had only reported usage of 1846 kWh which is what Mr. Small was billed over that period. In January 2002, BHE billed Mr. Small for 2387 kWhs of usage for the December 13, 2001 meter reading or \$412.50. No explanation accompanied the bill. A meter test on January 23, 2002 confirmed that the meter was recording accurately, although the sending unit was not. A new ERT meter was installed on that date.

The CAD found that BHE had acted properly in issuing the make-up bill. CAD's investigation did reveal that BHE had inadvertently billed a component of the bill twice, requiring a further adjustment of \$38.55. The CAD set up a payment arrangement to allow Mr. Small to pay the past due amount over 12 months. Mr. Small appealed that decision on September 5, 2002. He questions some of the facts in the decision and whether it was properly investigated.

III. DECISION

Commission rules at Chapter 81 § 3(E) allow a utility to issue a “make-up” bill for service that a customer received but was previously unbilled. The rule further requires that the utility promptly notify a customer after it discovers the error and that the make-up bill include a notice of the customer’s right to a payment arrangement. BHE failed to comply with this requirement. This has led to the misunderstanding on the customer’s part. BHE should have provided the customer with all the information that it eventually provided to CAD, and it should have offered Mr. Small a payment arrangement at the time it issued the January bill. Mr. Small is correct that BHE did not read the meter in December as a result of his expressing a usage concern as stated in CAD’s decision. However, this does not affect CAD’s ultimate decision. The meter reader apparently realized that the ERT was not properly relaying and actually read the meter that month upon that discovery. When the meter reader read the high usage, BHE should have had a process in place to alert it that this would result in a make-up bill rather than simply issuing a bill for almost 3000 kWhs in usage. Nonetheless, we agree with CAD’s finding that testing shows that the meter was operating properly as to recording usage, and that Mr. Small is responsible for paying for that usage.

We uphold CAD’s decision. Mr. Small should comply with the payment arrangement established by CAD. We further recommend that Mr. Small contact BHE immediately if he sees unusual billings in the future.

Dated at Augusta, Maine, this 8th day of October, 2002.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Nugent
 Diamond

COMMISSIONER ABSENT: Welch

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

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